IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7149 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJ STATE ROAD TRANSPORT CORPN

Versus

CHHITABHAI JADAVBHAI MAYAVANSI

Appearance:

MR HARDIK C RAWAL for Petitioner

MR M.H. RATHOD for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 28/07/2000

ORAL JUDGEMENT

When this matter is called out for hearing, the learned counsel appearing for the respondent states that the respondent-employee will have no objection if the punishment of stoppage of two increments with future

effect is raised to stoppage of three increments with future effect. The respondent has been taken up in service after the award dated 17.03.1990 which has been challenged by the Corporation. It appears that the amount involved for the tickets which were issued was Rs.1.40 ps and according to the employee he had issued the tickets but later on he admitted the charges against him and prayed for leniency. The Labour Court thereupon after considering the relevant aspects of the matter exercised its powers u/s 11A of the Industrial Disputes Act, 1947, and set aside the order of dismissal but substituted the punishment of stoppage of two yearly increments with future effect. The respondent has invited the increase in the said punishment as aforesaid and the learned Counsel for the Corporation submits that the matter is left to the Court's discretion. Having regard to the facts and circumstances of the case, the impugned order is modified only to this limited extent that the punishment mentioned in para 17 (4) of the award is hereby raised to stoppage of three yearly increments with permanent effect from the date mentioned in that paragraph.

2 Subject to this modification, the rest of the award is confirmed. Rule is made absolute to this limited extent with no order as to costs.

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